IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

WP(C).No. 29804 of 2007(W)

PETITIONER:

SR.SINIMOL N.O., AGED 29 YEARS,
D/O.OUSEPH, NALKARA HOUSE, CHENGAMANADU, ALUVA.
NOW RESIDING AT JYOTHI NIVAS, ADORATION CONVENT,
B.M.C.P.O., THRIKKAKARA, KAKKANAD - 682 021.

BY ADV. SRI.C.S.MANU
SRI.ANOOP JOSEPH

RESPONDENT:

REGISTRAR OF BIRTHS & DEATHS,
(IST GRADE HEALTH INSPECTOR)
ALUVA MUNICIPALITY,
ALUVA.

BY SRI.V.M.KURIAN, SC FOR RESPONDENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 29804 OF 2007 W
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Dated this the 16th day of October, 2007

J U D G M E N T

The request of the petitioner is for correction of date of birth. By Ext.P4, this court had directed the respondent to conclude the enquiry and pass orders thereon. Since there was no progress in the matter, this writ petition has been filed by the petitioner.

2. The learned counsel for the respondent seems to be well founded in his submission that a writ petition for the same relief is not maintainable and that the remedy for the petitioner lies elsewhere. The counsel also submits that in terms of the rules, they wanted to make enquiries with the witnesses who have attested the declaration (Ext.P3(a)).

3. According to the learned counsel for the respondent, these witnesses could not be located for verifying the correctness of the declaration. When this submission was made, the learned counsel for the petitioner offers to make available the witnesses

before the respondent. Now that the counsel for the petitioner has agreed to make available the witnesses, there should not be any further impediment for the respondent in concluding the enquiry.

4. Accordingly, I direct that the petitioner shall make available the witnesses before the respondent within one week from today, in which event, the respondent shall conclude the enquiry and pass orders on the representation made by the petitioner as directed in Ext.P4 judgment, without any further delay in the matter.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp